

**Subdivision Meeting  
September 6, 2001**

Chair Karolin Loendorf called the meeting to order at 9:00 a.m.

Commissioners Mike Murray and Anita Varone were present. Others attending all or a portion of the meeting included Ron Alles, Jerry Grebenc, Sharon Haugen, Michael McHugh, Frank Rives, K. Paul Stahl, Audra Zacherl, Bill Bahny, Peggy Benkelman, Derek Brown, Jacqui Garcia, Christine R. Helvik, Marvin Howeth, Sr., Jeff Krause, Robert Lindgren, Curt Milledge, and Carole Byrnes.

Minutes. There were no minutes to approve.

Auditor's Invoice Report. Audra Zacherl presented 589 invoices in the total amount of \$202,364.74 for payment. Commissioner Murray moved that the claims be paid. Commissioner Varone seconded the motion it carried unanimously.

Raven Acres Minor – Request for a Variance. (cont. from 8/23/01). Frank Rives reported that the applicants have requested a variance to permit a non-described existing access road for ingress and egress to the subject subdivision.

Commissioner Varone stated that according to state statute, each developer must provide legal and physical access to each parcel within the subdivision; must locate the access on the plat; and make a notation of the access and any instrument of transfer considering parcel. Statute also requires proper access to all parcels. Therefore, Commissioner Varone moved that the Commission has no other alternative but to deny the variance. Commissioner Murray seconded the motion and it carried unanimously.

Proposed Subdivision, Summary Review to be known as Richland Tower No. 1, Minor, Proposed Subdivision, Summary Review to be known as Richard Tower No. 4, Minor. Sharon Haugen reported that in a letter dated August 21, 2001 from Jeff Levert, Richland Towers has requested the Commission to reconsider the denial of Richland Towers 1 and 4.

Commissioner Murray stated that at a recent meeting sponsored by Senator Burns regarding communications, there were certain issues raised regarding the Commission's ability to regulate towers based on FCC Authority.

Deputy County Attorney, K. Paul Stahl, recommended that based on what the Commission understands at this time, that this matter should be reconsidered.

Commissioner Murray moved that based on new evidence provided by the Deputy County Attorney, the Commission reconsider its decision on Richland Towers 1 and 4 and that staff schedule these proposals for rehearing at a future date. Commissioner Varone seconded the motion and the motion carried unanimously.

Request for Modification of the Subdivision Approval for the Krause Acres Minor Subdivision. The proposal is generally located east of Le Grande Cannon Boulevard and south of Euclid Avenue. Jerry Grebenc reported that the applicant's request for modifications include certain conditions of approval for the subdivision and is outlined in the staff report.

Amendments to Conditions of Approval:

Conditions 2 and 6. Commissioner Varone moved to delete these two conditions. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

Condition 3. Commissioner Varone moved to delete the second sentence. Commissioner Loendorf seconded the motion and it carried unanimously.

Condition 5. Commissioner Murray moved to delete this condition and suggested that the Department of Transportation deal personally with the applicant. Commissioner Varone seconded the motion and it carried unanimously.

Condition 7. Commissioner Varone moved to delete the second and third sentence. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

Condition 12. Commissioner Varone moved to delete this condition since there is no current provision in the subdivision regulations. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

The Commission recessed and reconvened at 10:10 a.m.

Condition 17.d. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 17.e. Commissioner Varone moved to delete this condition. Commissioner Loendorf seconded the motion and it carried unanimously.

Condition 18.a. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 18.b. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 18.f. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 18.g. Commissioner Varone moved to delete this condition. Commissioner Loendorf seconded the motion and the motion carried unanimously.

Condition 18.h. Commissioner Varone moved to modify this condition to read, "Any exterior lighting shall be arranged and shielded so that the light source is directed downward to minimize the illumination beyond the property line." Commissioner Murray seconded the motion and it carried unanimously.

Condition 18.o. Commissioner Varone moved to delete this condition. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

Condition 18.r. Commissioner Varone moved that the following language be deleted beginning with "...and exterior color shall be of earth tones to blend with the native landscape". Commissioner Loendorf seconded the motion and it carried unanimously.

Staff recommended that since conditions 2 and 6 were removed, condition 19.B should also be deleted, as well as condition 22.

Condition 19.b. Commissioner Varone moved to delete condition 19.B. Commissioner Loendorf seconded the motion. The motion carried unanimously.

Condition 22. Commissioner Murray moved to delete this condition. Commissioner Varone seconded the motion. The motion carried unanimously.

Commissioner Murray moved that the Commission approve the proposed subdivision subject to 22 conditions as amended. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Birdseye View. (cont. from 8/28 & 30/01). The applicant proposes to create five lots, each for one single-family dwelling. All lots would be served by a shared well, individual on-site wastewater treatment systems and utilities. Access to the lots would be from the proposed Meadowlark Lane connecting to Birdseye Road. Road construction would be required to provide standard physical access. The proposal is generally located 6 miles west of Helena between the intersection of Birdseye Road and Austin Road.

Commissioner Murray moved that the Commission approve the variance to allow double frontage to all the lots in the subdivision. Commissioner Varone seconded the motion and it carried unanimously.

Commissioner Murray moved to deny the subdivision as proposed. The motion died for the lack of a second.

Commissioner Varone moved to approve the subdivision subject to 19 conditions of approval. Commissioner Loendorf seconded the motion.

Amendments to Conditions of Approval:

Condition 7. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 13. Commissioner Varone moved to modify the first sentence to read, "Prior to the final plat, the applicant shall either install a well on the subject property or have the existing well approved for the use of all the proposed lots. The remainder of the paragraph to stay the same. Commissioner Murray seconded the motion and it carried unanimously.

Condition 15.a. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 15.b. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 15.c. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 15.g. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 15.j. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Commissioner Varone moved that the Commission approve the proposed subdivision subject to the variance and 19 conditions as amended. Commissioner Murray seconded the motion and the motion carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Deerfield Acres. (cont. from 9/4/01). The applicant proposes to create one 27.66-acre tract and one ten-acre tract. The applicant proposes to subdivide the parcel to provide the ten-acre tract for the Rocky Mountain Church of Christ. The ten-acre tract would be a non-residential subdivision and subject to review under the non-residential subdivision regulations. The ten-acre tract would be served by an individual on-site wastewater treatment system and utilities. The 27.66-acre tract has a single-family residence, an individual wastewater treatment system and utilities, and it may be further subdivided in the future. Access to the lots would be from Colonial Drive Extension and Saddle Drive. The proposal is generally located on Colonial Drive, southeast of Hunters Pointe. The applicant, Marvin Howeth, was present.

Commissioner Murray moved that the Commission approve the proposed subdivision subject to the revised conditions as of September 4, 2001. Commissioner Varone seconded the motion.

Condition 5. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 9.a. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 9.b. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 9.f. Commissioner Varone moved to modify the condition to read, "Any exterior lighting shall be arranged and directed downward to minimize illumination beyond the property line." Commissioner Murray seconded the motion and it carried unanimously.

The proposed subdivision was approved subject to 14 amended conditions.

Fairgrounds Fire Protection Agreement. Commissioner Murray moved to table the agreement until Thursday, September 13, 2001. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Summary Review, Holter View Tracts 8 Minor. (Joe and Paul McMenamy, Applicants). (cont. from 9/4/01). The Commissioners will consider rendering a decision on the variance and creating two lots, each for one single-family dwelling. The proposal is generally located on Holter Lake off of Beartooth Road.

Commissioner Murray moved that the Commission approve the length to width variance. Commissioner Varone seconded the motion and it carried unanimously.

Commissioner Murray moved that the Commission approve the proposed subdivision subject to 13 conditions as proposed by staff. Commissioner Varone seconded the motion.

Amendments to Conditions of Approval:

Condition 9.a. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 9.b. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 9.d. Commissioner Varone moved to delete this condition. Commissioner Murray seconded the motion and it carried unanimously.

Condition 9.e. Commissioner Varone moved to modify the condition to read, "Any exterior lighting shall be arranged and shielded so that the light source is directed downward to minimize the illumination beyond the property line. Commissioner Murray seconded the motion and it carried unanimously.

Condition 9.f. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 9.i. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 9.j. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 9.k. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 9.l. Commissioner Varone moved to delete this condition. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

Condition 9.m. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 9.n Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

The motion to approve the proposed subdivision subject to 13 amended conditions and the variance carried unanimously.

Resolution Declaring County Property Surplus Property. The resolution is to authorize ITS to surplus computer equipment. The value is less than \$2,500. Commissioner Murray moved that the Commission approve the resolution and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 11:32 a.m.